

1 Q. What's her husband's name?

2 A. Johnnie.

3 Q. Do any of the folks that you've named so
4 far, or have any of these folks before worked for
5 the Department of Mental Health?

6 A. No.

7 Q. Could you tell us a description of the
8 history of your education?

9 A. Yes. I have a Bachelor's degree in
10 History Education from Clark College. It is now
11 Clark College Atlanta University.

12 Q. Atlanta University?

13 A. Yes.

14 Q. Is that a B.A.?

15 A. Yes.

16 Q. When did you obtain that?

17 A. 1980.

18 Q. Did you go to any school further than
19 that?

20 A. Yes.

21 Q. What else did you --

22 A. I have a Master's degree from Florida
23 State University.

24 Q. Which campus would that be? Is there
25 only one?

1 A. Tallahassee.

2 Q. Tallahassee. What year was that?

3 A. 1984.

4 Q. Other than continuing education in your
5 field of work, have you had any other than formal
6 education?

7 A. No.

8 Q. And your master's was in what field?

9 A. Social Work.

10 Q. Are you licensed --

11 A. Yes, I --

12 Q. -- to do anything in the State of
13 Alabama?

14 A. Yes, I am.

15 Q. How many licenses do you hold?

16 A. One.

17 Q. What is that license?

18 A. I'm a Master Licensed Degree Social
19 Worker.

20 Q. Do you -- did you work prior to going to
21 college, to Clark College?

22 A. Professionally?

23 Q. Yes.

24 A. No.

25 Q. Unofficially, did you work before then?

1 Q. Do you still have that license?

2 A. Yes, I do. It's on inactive status.

3 Q. When did it go onto inactive status?

4 A. When I went to Florida State.

5 Q. In 1984?

6 A. Right. No. In 19, really '82.

7 Q. '82. Since 1982, have you earned any
8 income commissions, fees of any sort from the
9 sale of real estate?

10 A. No.

11 Q. Is your master's license, social worker
12 license still in effect?

13 A. Yes.

14 Q. Has it been continuously in effect since
15 it was issued?

16 A. Correct.

17 Q. After obtaining your master's degree, did
18 you then become employed?

19 A. Yes.

20 Q. What year was that?

21 A. That was in 1984.

22 Q. Where did you work at that time?

23 A. Belle Chasse State School.

24 Q. In Florida?

25 A. Louisiana. Belle Chasse, Louisiana,

1 right outside of New Orleans.

2 Q. What kind of school was that?

3 A. It was a school for the mentally
4 retarded, it was a developmental school.

5 Q. How long did you work for Belle Chasse?

6 A. Probably two years and three months.

7 Q. When you left working at Belle Chasse
8 State School, where did you next work?

9 A. For the Department.

10 Q. When did you come to work for the
11 Department? You're talking about the Department
12 of Mental Health?

13 A. Correct.

14 Q. Uh-huh.

15 A. March 1987.

16 Q. When you hired in to work for the
17 Department of Mental Health, what position did
18 you take?

19 A. My working position or classification?

20 Q. Classification.

21 A. Mental Health Social Worker II.

22 Q. Did you go immediately to Mental Health
23 Social Worker II?

24 A. Correct.

25 Q. You didn't begin as a Habilitation Team

1 Leader Trainee?

2 A. That was my working classification.

3 Q. But you said your -- I'm sorry. How did
4 you say that, that you were a Mental Health
5 Social Worker II?

6 A. Classification, yes.

7 Q. They were both classifications, both of
8 those you said, the other one was working
9 classification?

10 A. That was a working title, the
11 Habilitation Coordinator.

12 Q. And you believe your official
13 classification when you came to work for the
14 Department was Mental Health Social Worker II?

15 A. I believe it was, yes.

16 Q. Do you have any documentation of that?

17 A. No, I don't. Personnel would have it.

18 Q. Did your classification change while you
19 were at the Department of Mental Health?

20 A. No.

21 Q. Are you sure about that?

22 A. That's why I was saying, you might want
23 to check with Personnel.

24 Q. Well, when you came to work for the
25 Department --

1 A. Uh-huh.

2 Q. -- did you work for the Brewer Facility
3 itself?

4 A. Yes, I did.

5 Q. And is that distinguished from Region III
6 Community Service?

7 A. Correct.

8 Q. And you came in working for the Brewer
9 Center at first; is that correct?

10 A. Correct.

11 Q. And later you worked for Region III
12 Community Service?

13 A. Correct.

14 Q. Did your classification change when you
15 changed from --

16 A. No. It was a lateral move, I think.

17 Q. Do you recall having, having been a
18 Habilitation Team Coordinator?

19 A. Yes. That was, I thought, my working
20 title.

21 Q. So if you had a different classification,
22 you don't know about that; is that -- when you
23 first came to work for the Department?

24 A. Correct.

25 Q. When you came into the Department,

1 counsel regarding your complaints against the
2 Department of Mental Health?

3 A. I think when EEOC asked for the
4 Department to mediate with me, and that was in
5 20004.

6 Q. You were giving us a listing of your
7 duties and responsibilities with CMHMR. You said
8 in approximately 1998 your duties changed, and
9 you listed those?

10 A. Uh-huh.

11 Q. Have they changed since that time?

12 A. No.

13 Q. So the duties that you listed earlier,
14 providing technical assistance in the area,
15 monitoring community homes and being the
16 monitoring coordinator, et cetera, are the same
17 ones that you perform today?

18 A. Correct.

19 **MR. WILSON:** Let me, I think there -- now
20 that I think of it, there is one document
21 that we had asked for that I don't believe
22 was provided that she would have. If you
23 give me a minute, I'll find it.

24 **MS. LUCK:** Yes.

25 **MR. WILSON:** But that's the only one I

1 A. And Susan Watson, yes.

2 Q. What about Eleanor Talbert (phonetic)?

3 A. Yes.

4 Q. What about Lindsey Puckett?

5 A. He was the facility director that was
6 over our division.

7 Q. And has anyone else acted in a
8 supervisory role to you while you've been working
9 at the Department of Mental Health?

10 A. No.

11 Q. Your complaint alleges that you have
12 discriminated against on a racial basis?

13 A. Yes.

14 Q. And it doesn't allege that you've been
15 discriminated against on any other basis, does
16 it?

17 A. Other than retaliation.

18 Q. When did you first believe that you were
19 being discriminated against racially?

20 A. In 2002.

21 Q. And what was it that caused you to
22 believe you had been discriminated against?

23 A. I applied for a position, which I thought
24 I was qualified for, and was passed over by a
25 white female.

1 Q. Why did you believe that you were
2 discriminated against?

3 A. I had the qualifications and I was more
4 qualified.

5 Q. Who was the person who was given that
6 position?

7 A. Daphne Rosalis.

8 Q. And this was a Planning and Quality
9 Assurance position?

10 A. Planning, Quality Assurance Specialist
11 II.

12 Q. What is it -- why do you believe that you
13 were more qualified than Daphne Rosalis?

14 A. First of all, I had the educational
15 experience.

16 Q. Meaning what?

17 A. I had a Master's degree in Social Work.
18 That was part of the requirement in the job
19 announcement. The other thing is that based on
20 my extensive experience in Community Services, in
21 the area of Technical Assistance and Monitoring,
22 I felt that I was qualified, because in both of
23 those two areas, the focus is on quality of care
24 and trying to enhance the services of the
25 individuals that we serve. Ms. Rosalis had no

1 experience in that area. I saw the position --

2 Q. I'm sorry. She had no experience in the
3 area of Quality Assurance?

4 A. Correct, or mental retardation.

5 Q. And you know this?

6 A. Yes.

7 Q. What makes you think that?

8 A. That she didn't?

9 Q. Yes.

10 A. Ms. Rosalis personally told me.

11 Q. I'm going to show you what is Bate
12 stamped, and was provided to your attorney as
13 Document 0001 and 0002.

14 A. Okay.

15 Q. And tell me if you know what that is
16 (indicating).

17 A. (Witness reviewing document.) Yes, I've
18 seen that.

19 Q. What is that?

20 A. The job announcement for the position.

21 Q. That you were just talking about?

22 A. Correct.

23 Q. And that's the one that Ms. Rosalis was
24 hired?

25 A. Correct.

1 **MS. LUCK:** Could we mark that, please, as
2 an exhibit?

3 (Exhibit No. 3 was marked for
4 identification.)

5 **BY MS. LUCK CONTINUED:**

6 Q. I want to ask you on that announcement
7 what is the requirement for education?

8 A. A Master's degree in Public Health,
9 Special Education, Social Work or Psychology.

10 Q. Thank you. What other reasons do you
11 have for stating that Ms. Rosalis was not as
12 qualified as you were?

13 A. Well, let's go back to what I was doing,
14 okay, and give you a little historical
15 information. This position in the division was
16 new to the Department's personal emphasis in this
17 area to the extent that they created a division.
18 Now what year that was, I think it might have been
19 2001, or whatever.

20 Q. What division did they create?

21 A. The Planning, Quality Assurance Division.
22 And the director was Brian Christopher Farnham?
23 (phonetic).

24 Q. Would that be B.C. Farnham?

25 A. Yes.

1 Q. And that was in about, you think,
2 somewhere near 2002?

3 A. Yeah, uh-huh. And it was new to
4 everybody, okay, the expectations of what was
5 going to be done in this position. I felt my
6 experience, Technical Assistance, working with
7 the care providers in meeting the standards in
8 ensuring quality of care made me qualified along
9 with the monitoring, because one of the purposes
10 of the monitoring was to go out there to ensure
11 that services were being provided and quality of
12 care was being provided. And during my 15 years
13 experience in Community Services, that has always
14 where my emphasis has always been.

15 I saw this particular position move me
16 into a different level and being an asset with
17 those experiences in helping the care providers
18 to improve even better the quality of care by
19 helping them to do more effective quality
20 enhancement planning. Ms. Rosalis had no
21 experience in this area or in Community Services.

22 Most of the individuals, and I can safely
23 say this, that was hired in this position at that
24 time, except in our region, came from the
25 Community Services offices. So it must have been

1 some value for the Community Services staff to be
2 hired into these areas, into this area.

3 Now, after Ms. Rosalis was hired into
4 this position, I was asked by my supervisor then,
5 Susan Stuardi, who's also the director of
6 Community Services at that time, to train Ms.
7 Rosalis. Now, I was good enough to train Ms.
8 Rosalis, but I was not qualified enough to be
9 hired into the position.

10 Also, it was a well-known fact that Ms.
11 Rosalis and B.C. Farnham were friends. There was
12 not -- nothing secret about that friendship. In
13 2004, Ms. Rosalis confirmed the long-term
14 friendship to me that she had with Mr. Farnham to
15 the extent that she told me they went to school
16 together, in Atlanta, worked together in North
17 Carolina, lived and worked together in New York.

18 Q. So are you basing your claims that Ms.
19 Rosalis was not as qualified as you were on the
20 fact that she knew someone in the department --

21 **MR. WILSON:** Object to the form.

22 **MS. LUCK:** -- prior to being hired?

23 **MR. WILSON:** Object to the form. Is that
24 what you are telling me?

25 A. Yes. Not only that, she was not

1 qualified, but I was passed over and I was more
2 qualified by a white female. I was discriminated
3 against.

4 **BY MS. LUCK CONTINUED:**

5 Q. If Ms. Rosalis did have MR experience --

6 A. Uh-huh.

7 Q. -- and QA experience --

8 A. Uh-huh.

9 Q. -- do you still contend that you were
10 more qualified than she was?

11 A. Yes, ma'am.

12 Q. And why is that?

13 A. I had 15 years of Community Services
14 experience. In order to do this job more
15 effectively, I knew the Community providers, I
16 knew the Community standards, I had a rapport
17 with the Community providers, I knew the missions
18 of the Community providers, I knew the strengths
19 and weaknesses of the Community providers, Ms.
20 Rosalis knew none of that.

21 Q. Do you know if there were others who --
22 hold on just one second. Let me see. Are you
23 familiar with the scoring sheet from the
24 interview in that position? Have you seen this?
25 It's marked as 0021, page 0021. It was provided

1 to your attorney.

2 A. Let me see?

3 Q. Let me have it marked first as Exhibit
4 No. 4.

5 (Exhibit No. 4 was marked for
6 identification.)

7 Have you seen that document before?

8 (Handing document to witness.)

9 A. (Witness reviewing document.) Yeah, I
10 think this is one. Yeah, this is the one, yeah.
11 Yeah, I saw it.

12 Q. Do you know what it is?

13 A. I guess it was the scores based on your
14 interview.

15 Q. Okay. Can you tell from looking at
16 Exhibit No. 4 who interviewed the interviewees?
17 Who did the interviewing?

18 A. I guess it's these several people on the
19 side here to the left (indicating).

20 Q. And who are they? Could you --

21 A. B.C. Farnham, Marilyn Benson, Joe --that
22 he spelled it -- pronounced it Medours - Alice
23 Widgeon, Jewel Pitts.

24 Q. And how many people were interviewed?

25 A. Okay. There was one, two, four, five.

1 Q. Who scored the highest in the interviews?

2 A. Daphne Rosalis.

3 Q. Who scored second highest in the

4 interviews?

5 A. Yolanda Thomas.

6 Q. And you see that there were several

7 interviewers who made those determinations?

8 A. Correct.

9 Q. Do you believe that any one of those

10 people racially discriminated against you?

11 A. Yes, I do.

12 Q. Which ones?

13 A. All of them.

14 Q. Other than your scores on the interview,

15 do you have any reason to believe that any of

16 these people discriminated against you racially?

17 A. That's a no.

18 Q. In your complaint you've alleged that

19 there was not one but several times that you

20 applied for a position that you did not get, and

21 you've alleged that that was racial

22 discrimination?

23 A. Correct.

24 Q. What was the second time that you applied

25 for a position that you did not get?

1 A. The year or the position?

2 Q. The position.

3 A. Community Services Specialist II -- III,

4 I'm sorry.

5 Q. And do you recall what year that was?

6 A. 2003.

7 Q. On that occasion, do you believe that you

8 were racially discriminated against?

9 A. Yes, ma'am.

10 Q. In what way?

11 A. I was the most qualified. I was passed
12 over by a white female that had no Community
13 Services experience.

14 Q. All right.

15 **MS. LUCK:** I'd like to have this document
16 marked as Exhibit No. 5.

17 (Exhibit No. 5 was marked for
18 identification.)

19 **BY MS. LUCK CONTINUED:**

20 Q. Ms. Blackledge, would you look at Exhibit
21 No. 5, please, and tell me if you recognize that
22 document?

23 A. Yes.

24 Q. What is that?

25 A. Job announcement for the Community

1 A. I'm pretty sure I had to.

2 Q. Do you know who was in charge of the
3 facility when Dr. Harris was not there?

4 A. I think sometimes Mickey Groggel.

5 Q. Did you ever have to work with Mickey
6 Groggel?

7 A. While she was in charge of the facility?

8 Q. Yes.

9 A. Not that I'm aware of.

10 Q. You have alleged that because -- you've
11 alleged that, that you were racially
12 discriminated against because you didn't get the
13 CSS III position?

14 A. Correct.

15 Q. And what is your basis for that
16 allegation?

17 A. I was doing the position. This
18 announcement right here (indicating), I was doing
19 it, okay? Under the title work, I was doing the
20 job. I had 15 years experience in Community
21 Services. Under the kind of work, it focused on
22 personal planning. It focused on having
23 experience with technical assistance, with skill
24 acquisition, behavior management, DMHMR community
25 mental retardation standards. Little did it

1 focus on having administrative experience. Under
2 the kind of work, it did not focus on
3 administrative experience at all. You did not
4 have to have administrative experience.

5 Now, let me say this: Prior to coming to
6 Community Services, I was also doing some of this
7 that was under the kind of work as far as the job
8 responsibility. As a habilitation treatment team
9 coordinator, I had to write skill acquisition
10 objectives, I had to write behavior management
11 plans. So again, when coming to Community
12 Services, that was an asset. Okay? So I was
13 doing work required in the job announcement.

14 Ms. Groggel experience was in
15 institutionalization, okay, where it is very
16 regulated, very structured. I was in Community
17 Services. Ms. Groggel and her staff looked to
18 the Community Services staff to
19 deinstitutionalize these individuals and put them
20 out into the community. The facility staff
21 looked to us to make sure that there was quality
22 of care, to make sure that the services were
23 there. So I was doing the job.

24 Q. May I see that a minute, Exhibit No. 5?

25 A. Sure. (Witness handing the document to

1 counsel).

2 Q. Okay. So you felt that you were doing
3 that job even though you didn't have that job,
4 right, you had a different classification?

5 A. Yes, I was doing the job.

6 Q. And in fact you felt that you were doing
7 the job so much so that you asked for a desk
8 audit, did you not?

9 A. I filed an internal complaint and my
10 supervisor asked for the desk audit. That would
11 have been Susan Stuardi.

12 Q. And you had a desk audit, didn't you?

13 A. Correct.

14 Q. And what is a desk audit?

15 A. From the little I know about the desk
16 audit, they look at basically what you are doing
17 and look at the classification to see whether or
18 not you would be more -- you would meet that
19 higher classification.

20 Q. So in the desk audit that you had --

21 A. Uh-huh.

22 Q. -- individuals came and looked at what
23 you did on a regular basis in your work?

24 A. No, they did not.

25 Q. All right. Let me put it this way. In

1 A. Most definitely.

2 Q. And do you think that Ms. Benson
3 discriminated against you because you were black?

4 A. I would like to elaborate, if I could?

5 Q. Can you answer that question first?

6 A. No, Ms. Benson was black. No, I don't
7 think she did, no.

8 Q. Why do you think she did that? You said
9 that you don't think she came to a correct
10 conclusion.

11 A. No, I don't. And let me say this: In
12 order for Ms. Benson to have come to a conclusion
13 in that desk audit, she would have had to have
14 scored that desk audit. Ms. Benson did an
15 improper desk audit. She did not even score the
16 desk audit. And further, and I don't want to have
17 to bring it in, but in the hearing, because we had
18 a hearing after the desk audit, Ms. Benson said
19 her boss told her to do it like that. So how can
20 you come to a conclusion about where I should be
21 when you didn't even score the desk audit. And
22 not only that, Ms. Benson had incorrect
23 information in my desk audit.

24 Not only that, Ms. Benson interview with
25 me was probably ten minutes or so. Not only that,

1 after I found out she did an improper desk audit,
2 I found out that Ms. Benson didn't even ask me for
3 a narrative of what I did. Not only that, but Ms.
4 Stuardi -- because Ms. Benson did not even sign
5 the desk audit, by the way -- Ms. Stuardi wrote me
6 the memo responding for Ms. Benson. Ms. Stuardi
7 as my director did not even correct the incorrect
8 information Ms. Benson had on the desk audit to
9 let me know that either Ms. Stuardi did not want
10 to correct it, or Ms. Stuardi -- or Ms. Benson did
11 not ask Ms. Stuardi for any information on my job
12 responsibility.

13 Q. Okay. Let me just stop you here and
14 get --

15 A. Sure.

16 Q. -- a few things cleared on the record.

17 A. Uh-huh.

18 Q. You said that Ms. Benson said that her
19 supervisor wanted her to do something.

20 A. Wanted her to do the desk audit the way
21 that she did it.

22 Q. Who was her supervisor?

23 A. I would imagine her supervisor was Henry
24 Ervin.

25 Q. And Henry Ervin, is he a white man or a

1 A. Again, I was doing the job.

2 Q. Anything else?

3 A. I had --

4 Q. Anything else?

5 A. Yeah. I had at that time 15 years of
6 experience in Community Services.

7 Q. Okay. You've told us that.

8 A. Right.

9 Q. Is there anything else that you haven't
10 told us about?

11 A. No.

12 Q. I may come back to this --

13 A. Sure.

14 Q. -- but I want to go sort of
15 systematically, if I can, to the next position
16 that you're claiming you were discriminated
17 against.

18 A. Sure.

19 Q. The next time that you say you were
20 discriminated against racially --

21 A. Uh-huh.

22 Q. -- was when you didn't -- once again did
23 not get a P&QA II position?

24 A. Correct.

25 Q. What year was that?

1 A. 2004.

2 Q. And who received -- who was hired for
3 that position?

4 A. Mickey Groggel.

5 Q. Do you recall who interviewed for the
6 position?

7 A. I think it was just me and Mickey
8 Groggel.

9 Q. Do you recall whether that position was
10 announced just statewide, department-wide, or
11 just facility-wide?

12 A. I don't know how it was announced.

13 Q. When that position came open --

14 A. Uh-huh.

15 Q. -- Ms. Groggel had been working as a CSS
16 III, is that right, she had had that position?

17 A. For a short time. And let me say "for a
18 short time," I would say less than two months.

19 Q. Do you have any reason that -- do you
20 have any reasons at all for thinking that you
21 were racially discriminated against because you
22 didn't get that position?

23 A. May I refer back to this document
24 (indicating)?

25 Q. Yes, you may. You were --

1 A. In this document, it clearly talks about
2 the preselection and did not have the domino
3 moves of individuals to positions.

4 Q. Okay. You believe that your Plaintiff's
5 Exhibit A shows something that you believe
6 indicates there was a preselection of
7 individuals?

8 A. Correct.

9 Q. And what positions are you alleging there
10 was a preselection for in this document
11 (indicating)?

12 A. The Community Services Specialist III and
13 the Planning Quality Assurance II, both positions
14 Ms. Groggel got.

15 Q. Do you want to elaborate -- I mean, why
16 you think that there was a preselection?

17 A. It's in the memo.

18 Q. What exactly tells you that?

19 A. Do you want me to read the whole memo to
20 you?

21 Q. Not necessarily, no.

22 A. Ms. Stuardi talks about vacating the
23 Community Services Specialist III position and if
24 Kathi Allen wanted the Community Services
25 Specialist III position, then when Ms. Groggel

1 vacated that position for the Planning Quality
2 Assurance position that Kathi Allen could move
3 into that position.

4 Now, let me say this: Both of those
5 individuals were white females. I did not have a
6 fair opportunity at all to compete where I
7 qualified. Two white females were selected, and
8 I was passed over by them and I qualified. If
9 this doesn't say it, I don't know what does.

10 Q. What is the date of that memo?

11 A. February 2nd, 2004.

12 Q. When do you recall that the Brewer Center
13 closed?

14 A. Which one, because we had the Annex in
15 Daphne and the one --

16 Q. That's a fair question. All right. When
17 it finally closed, the Daphne facility.

18 A. It was April 2004.

19 Q. Did a lot of people have to change their
20 jobs when the Brewer Center closed?

21 A. I would imagine they did.

22 Q. Well, do you recall seeing that, and
23 knowing it?

24 A. Some people got laid off and some people
25 jobs got changed, yes.

1 the three positions.

2 **BY MS. LUCK CONTINUED:**

3 Q. What about, you have no other complaints
4 of racial discrimination?

5 A. No.

6 Q. You have any other complaints about
7 hostile work environment because of racial
8 issues?

9 A. I have a complaint with regard to hostile
10 racial environment retaliation, yes.

11 Q. Okay. I want to hear about all of that.
12 So let's start with the first one. I mean, you
13 can go present and back in time or go to the very
14 first in time and forward, whichever you'd like
15 to do.

16 A. Okay. Let's go with the first one.

17 Q. Okay. The very first time --

18 A. Uh-huh.

19 Q. -- that you felt that you were in a
20 hostile environment at work because of a racial
21 problem.

22 A. Did you say racial problem?

23 Q. Yes, I did say racial problem.

24 A. It was a hostile environment in
25 retaliation, and I felt like I was being singled

1 out.

2 Q. Okay. All right. So retaliation --

3 A. Uh-huh.

4 Q. -- and singled out.

5 A. Uh-huh.

6 Q. And what was that retaliation do you
7 think for, you allege?

8 A. Because I probably filed my -- I know
9 because a filed a discrimination suit, I think.

10 Q. Because you filed an EEOC complaint; is
11 that what you're talking about?

12 A. And the lawsuit, yes.

13 Q. And lawsuit?

14 A. Uh-huh.

15 Q. Okay. And I'm going to try to put some
16 dates to this so we understand what we're talking
17 about.

18 A. Okay.

19 Q. When did you file your EEOC complaint?

20 A. June, maybe. June '04.

21 Q. About June of '04?

22 A. Yeah.

23 Q. And when did you file your lawsuit?

24 A. April '06, I think.

25 Q. Now just so that I don't miss anything, I

1 A. Uh-huh, the Department administrators.

2 Q. They're all individual people; is that
3 right?

4 A. Uh-huh.

5 Q. I mean, the Department doesn't --

6 A. I'm talking about --

7 Q. -- have a voice itself?

8 A. Right. The Department administrators,
9 yes, uh-huh.

10 Q. So some person, if Jerrylyn London was
11 told something, she had to be told by a person?

12 A. Right.

13 Q. Now, what person or persons do you allege
14 told Jerrylyn London to treat you differently?

15 A. I have no slightly idea. I do know that
16 it started occurring after I filed my harassment
17 -- I mean, EEOC and lawsuit charges. Let me say
18 this: I have never, in the 20 years I've been
19 with the Department prior to filing my internal
20 complaint, EEOC complaint or lawsuit had any
21 problems with supervisors, no problems with my
22 job performance, and I don't appreciate nobody
23 taking my job performance lightly, because I
24 don't take it lightly. And my evaluations up
25 until the time that I filed those complaints

1 speaks for themselves.

2 Q. We have to go back a step.

3 A. Yeah.

4 Q. You have alleged here in this room
5 today --

6 A. Right.

7 Q. -- that somebody or some people --

8 A. Uh-huh.

9 Q. -- told Jerrylyn London to treat you
10 differently than other employees and you said
11 that's based on the fact that you had filed a
12 complaint?

13 A. That's when it all started.

14 Q. First of all, who are the people?

15 A. I wish I could tell you.

16 Q. So you don't know?

17 A. Other than the Department administrators.

18 That might be a question you need to ask somebody
19 else.

20 Q. Now, what basis do you have for saying
21 that someone told Jerrylyn London what to do that
22 triggered your --

23 A. It's all because of my lawsuit. Ma'am, I
24 didn't have any problems until after I filed my
25 lawsuit.

1 A. One time saying that my door was closed,
2 indicating that I did not have enough work to do,
3 which wasn't a common practice in Community
4 Services for the staff to have their door closed.
5 And my door was not closed. It was more ajar. I
6 kept it kind of cracked, like, where I could see
7 what was going on outside, and hear what was
8 going on.

9 Q. Okay. And how was this brought to your
10 attention?

11 A. Ms. London, I think, called me by the
12 phone and asked me basically what I was doing and
13 that my door was closed and that indicated to her
14 that I didn't have enough to do. The second
15 incident --

16 Q. Okay. Excuse me.

17 A. Sure.

18 Q. Did you know that you were supposed to
19 leave your door open?

20 A. I didn't know it was a requirement that
21 you had to leave your door open, because, like I
22 said, it wasn't a common practice. I mean, a lot
23 of staff had their doors closed. I wasn't the
24 only one.

25 Q. When Ms. London brought it to your

1 attention --

2 A. Yes.

3 Q. -- that she didn't think it appropriate,
4 that your door was closed?

5 A. Uh-huh.

6 Q. If in fact that's what you're alleging?

7 A. Uh-huh.

8 Q. If that happened, why couldn't you simply
9 open the door?

10 A. My door was never closed, ma'am. It was
11 always open. It was ajar. That's how I kept my
12 door. Now sometimes it did close, but I wasn't
13 the only staff in that building that closed their
14 door.

15 Q. You felt that that rose to a level high
16 enough for you to complain --

17 A. It started --

18 Q. -- because she asked you --

19 A. It started to.

20 Q. Because she had asked you --

21 A. It started to.

22 Q. Excuse me. But we'll have to do this one
23 at a time, because the court reporter's trying to
24 write it down.

25 A. Okay.

1 Q. Other than her recommendation that you
2 keep your door open, what other singling out
3 incidences that you have say that happened?

4 A. Indicating that I didn't work an eight-
5 hour day.

6 Q. And how did she indicate that?

7 A. Through her email. Didn't give any
8 specific dates and times, but she did indicate
9 that. And I, you know, after she indicated that,
10 to try to avoid any more problems, I just moved my
11 clock ahead 15 minutes and worked -- and was very
12 conscientious about what, you know, I was doing
13 and not trying to leave early. I thought it to be
14 strange though, because, you know, other staff
15 were doing the same thing, including Ms. London,
16 you know. It was nothing for staff to -- if you
17 want to get into not working an eight-hour day,
18 it was nothing for staff to come in late and sign
19 that they came in on time, it was nothing for
20 staff to take two hour lunch breaks, it was
21 nothing for staff to go grocery shopping, it was
22 nothing for staff to go get their haircut, not
23 taking leave, it was nothing for staff to leave
24 early not taking leave. I could run the whole
25 gamut of what staff was doing, but I got singled

1 out for doing it.

2 Q. And that's set out in this letter as
3 well?

4 A. (Witness nods head.)

5 Q. Is that the description you made at the
6 third page, if you want to look at it --

7 A. Uh-huh.

8 Q. -- near the bottom about leaving 15
9 minutes early?

10 A. (Witness reviewing document.) There
11 might have been two incidents. But, yeah, 15
12 minutes early, yes, uh-huh, that was that
13 incident. Not working an eight-hour-day --

14 Q. Did you leave 15 minutes early at that
15 time --

16 A. I don't recall doing that.

17 Q. You don't recall?

18 A. No. But let me say this: Also, I don't
19 recall doing it, but I was also a staff person
20 that was punctual with my time, and being a
21 morning person, it was nothing for me to get
22 there, you know, early either, but, you know, I
23 don't recall that.

24 Q. Okay. So what you're saying to me is
25 that there is one or two times --

1 A. No. No more than one or two times.

2 Q. I'm sorry. Let me ask my question.

3 A. All right.

4 Q. -- one or two times that Ms. London
5 suggested to you that you work the full day and
6 not leave early?

7 A. Correct.

8 Q. And you thought that rose to the level of
9 something that you should complain about and that
10 that was disparity of treatment?

11 A. It was disparity of treatment, but I
12 didn't immediately, if you notice, write Ms.
13 Wilson. It was an accumulation of things.

14 Q. What other incidents did you complain
15 about in March of '06 when you believe you were
16 singled out by Ms. London?

17 A. Spring conference.

18 Q. What about spring conference?

19 A. I had complications with my knee after
20 the knee surgery, and I was in a lot of pain, but
21 I'm not a person that likes to just take those
22 injections unless I have to. So I was trying to
23 hold off on taking the injections, but it had got
24 to the point where it was affecting my ambulation
25 and mobility. So I asked Ms. London could I be

1 off for spring conference, and the first day that
2 I asked her she told me, yes. Okay. And then the
3 next day she, I think either emailed me or called
4 me and said she couldn't recall whether or not I
5 was going to take off for spring conference due
6 to my knee. And I think I called her back and
7 told her that I needed to receive the medical
8 treatment.

9 And then at that point, she told me that
10 she needed me to assist Lori Meadows (phonetic),
11 who was one of the people that was handling the
12 registration, and I did tell her that I needed to
13 be out for my knee, because I thought at that time
14 that if I could just get off of it, you know, and
15 take the medical treatment I could get myself
16 together. And when she told me that, she told me
17 that if I didn't come to spring conference, that
18 I would have to bring a doctor's statement. See,
19 I found that to be unusual, because since being
20 in Community Services I never have heard of any
21 employee that had to bring in a doctor's
22 statement.

23 So what I also did was, I asked another
24 employee to do the assignment for me, because,
25 you know, a lot of people knew I was having pain,

1 and she told me that she would do it, and I let
2 Ms. London know and she said something about she
3 had to check the assignment list, but if I wasn't
4 coming, you know, to bring the doctor's
5 statement.

6 I did bring the doctor's statement, and I
7 gave it to Ms. London, and I think she left to go
8 on vacation and she didn't sign my leave. So I
9 was kind of left in a limbo as to that Friday
10 before spring conference what to do.

11 So I called Central Office and talked to
12 Mr. Mitchell, Fordyce Mitchell, who was the only
13 person I could get in touch with at the time, and
14 he called me back and I told Mr. Mitchell that I
15 had brought in the doctor's statement because I
16 needed medical treatment and I needed to be off
17 at least for that first day of the spring
18 conference. And Mr. Mitchell's response was:
19 "You mean you brought in a doctor's statement and
20 she still didn't sign it, your leave?" And I
21 said, "No, she didn't sign my leave." And so
22 she -- he just thanked me for, you know, making
23 the phone call, because I told Mr. Mitchell that
24 I didn't want to get in any trouble or anything, I
25 wasn't trying to create any problems, I just

1 needed to have this medical treatment.

2 Now, let me say this, too. I was very
3 conscientious about going to spring conference.
4 I can't even recall a time that I've missed
5 spring conference.

6 Q. It comes every year?

7 A. Every year. The only time that I may
8 have missed spring conference was when the
9 supervisor did not approve for the staff to go,
10 but at any time during my 15 years or 20 years of
11 being in Community Services, I always attended
12 spring conference and assisted in spring
13 conference.

14 And I also found it strange that
15 Mrs. London wouldn't allow me to go when she
16 allowed the primary person, Shirley Patterson --
17 because Ms. London wanted me to assist with
18 registration, but she allowed the primary person,
19 Shirley Patterson, to go on vacation. And like I
20 said, I had found a substitute and there was 20
21 other people in the building that could have
22 assisted that day with the registration.

23 Q. Okay. You said 20 other people?

24 A. We had about 20 other people in the
25 building, including Community Services staff,

1 Advocacy, Planning and Quality Assurance people,
2 you know, everyone was housed together, but she
3 was adamant that I attend the spring conference.

4 Q. Now, spring conference comes about once a
5 year?

6 A. Correct.

7 Q. And would you say it's an important event
8 in Community Services?

9 A. Well, it's an important event, yes,
10 uh-huh. We host it, yes, uh-huh.

11 Q. And you host it for who? For other --

12 A. For the -- yeah, other regions and other
13 community providers, whoever wants to come, yeah,
14 uh-huh.

15 Q. Did you try to schedule your medical
16 treatment for another day?

17 A. Well, Ms. London did ask me to schedule
18 my medical treatment for another day, which I
19 found strange when I was in need of this medical
20 treatment. She wanted me to reschedule a medical
21 treatment, which was a health issue, but she gave
22 the person that was over registration vacation.

23 Q. The secretary?

24 A. Yes, uh-huh.

25 Q. So eventually, after -- if I'm not

1 Q. And you said that there was a discrepancy
2 about your attending the spring conference. Were
3 there any other incidences when you believe that
4 Ms. London singled you out?

5 A. When she dropped my performance
6 appraisal.

7 Q. What do you mean, she dropped your
8 performance appraisal?

9 A. She dropped it from the previous year. I
10 think it was about 7.7 points she dropped it.

11 Q. I'm trying to get some papers. Excuse me
12 just a second.

13 A. Uh-huh.

14 Q. And I want to show them to you. All
15 right.

16 What I'd like to do is show these to you
17 in chronological order.

18 A. Uh-huh.

19 Q. I'm going to show you a three-page
20 document that is marked as Exhibit No. 20, and
21 it's Date stamped 4055, 4056 and 4057.

22 (Exhibit No. 20 was marked for
23 identification.)

24 A. Okay.

25 Q. And ask you if you recognize what that

1 something?

2 Q. Yes.

3 A. And I don't know how you want to handle
4 this. There was one that was done prior to this,
5 and if it needs to be -- it was one where it was
6 dropped drastically from this one. You got it?
7 No, that's the year before, I think. That's
8 where the corrections were made, uh-huh. There's
9 two different ones. Uh-huh.

10 How can I explain that? I don't remember
11 all the numbers. I think this was the year
12 before.

13 Q. I don't think I have anything I haven't
14 shown you in that time period. So let's see if
15 you can describe that for me, if you will?

16 A. Okay. I will.

17 Q. Just one second here.

18 A. Sure.

19 Q. Let me try to understand. This one that
20 we've marked Exhibit No. 22 covers the period of
21 January of '05 to January of '06, and that's
22 signed by Jerrylyn London?

23 A. Uh-huh. That was the last one Jerrylyn
24 did on me, I think.

25 MR. WILSON: This was the year before

1 that we marked?

2 A. That's the year before, yeah.

3 **BY MS. LUCK CONTINUED:**

4 Q. Is this the one you're talking about?

5 A. Huh-uh. We're talking about this one
6 (indicating), the last one she did on me.

7 Q. I'm sorry. Are you talking about any of
8 the ones that are on this table in front of you as
9 far as what you're complaining about?

10 A. This one (indicating).

11 Q. Okay.

12 A. But it's not all of it. That's all I'm
13 saying to you.

14 Q. Was there some more pages?

15 A. Well --

16 Q. What do you mean that's "not all of it"?

17 A. Okay. She --

18 Q. I'm sorry. When you say "this one," tell
19 the court reporter so we can get it on the record
20 which one you're talking about.

21 A. Okay. Exhibit No. 22.

22 Q. Okay. Exhibit No. 22, which is 2 pages?

23 A. Okay.

24 Q. And what about that as it relates to your
25 claim?

1 Bate stamped 3366 and 3367, and they are marked
2 as Exhibit No. 23, and ask you if you recognize
3 that document (indicating)?

4 (Exhibit No. 23 was marked for
5 identification.)

6 A. Right.

7 Q. Would you tell the Court what that is?

8 A. That is the performance appraisal done
9 from the year January the 1st, 2004 to January
10 the 1st, 2005.

11 Q. Now, is that the evaluation that you have
12 testified to being the score that you wanted your
13 new score raised up to, is that the one you're
14 comparing it to?

15 A. That's correct, yes.

16 Q. Yes. In 2004 to 5, you received a
17 certain score?

18 A. Uh-huh.

19 Q. And you argued with Ms. London that you
20 felt you should have that same score --

21 A. Uh-huh.

22 Q. -- or higher the next year?

23 A. I didn't say higher, but definitely the
24 same score.

25 Q. Uh-huh.

1 A. Because, you know, during the pre-
2 appraisal nothing was said to me about my job
3 performance, and that was the time at the pre-
4 appraisal to say, Winifred, on job responsibility
5 tell you need to do that and to develop a plan with
6 me on how to improve that job performance area.

7 Q. Now, what was the date of the -- do you
8 know what the date of Ms. London's appraisal was
9 that followed this Exhibit No. 23?

10 A. It's this one (indicating).

11 Q. Was that the next one?

12 A. Yeah.

13 Q. Is that the one you're complaining about?

14 **MR. WILSON:** I think -- I'm not trying
15 to interrupt, but are you saying there's a
16 pre-appraisal in between that?

17 A. Yeah. There was another pre-appraisal
18 that she did at the same time when she dropped it
19 to 20-something, where she really drastically
20 dropped it.

21 **BY MS. LUCK CONTINUED:**

22 Q. The same time as what?

23 A. As this pre-appraisal evaluation time.

24 **MS. LUCK:** I'm sorry. Can we go off the
25 record for just a minute?

1 Exhibit No. 23, what was your score?

2 A. Thirty-six point three, which put me in
3 the "Exceeds Standards."

4 Q. Same category -- I mean, general
5 category, "Exceeds Standards?"

6 A. Correct.

7 Q. And do you believe that this constitutes
8 dropping your performance appraisal? That's what
9 you would call it, dropping?

10 A. Yes. Without no justification, no
11 reason, nothing was said during the pre-
12 appraisal.

13 Q. Well, what about all these meetings that
14 you had with Ms. London about your, you know,
15 attempts to get her to raise it back up again?
16 Did you have any discussions with her at that
17 time as to why she had rated you lower?

18 A. Yes. She told me that she had had a year
19 to evaluate me from the previous director, who
20 was Susan Stuardi.

21 Q. Okay. So the previous director gave you
22 the score that you were trying to get Ms. London
23 to give you?

24 A. Not true, because she did the previous --
25 I don't want to confuse you anymore, but she did

1 2:00 to 2:30?

2 A. Right.

3 Q. How long were you in her office?

4 A. Probably 15 or 20 minutes.

5 Q. What did you discuss with her while you
6 were in there?

7 A. She proceeded to show me the evaluation,
8 and I told her you dropped my evaluation
9 drastically. And I said to her, like I told Ms.
10 London, you know, you haven't given me no prior
11 counseling, nothing -- and she had dropped my
12 evaluation in all job responsibilities, by the
13 way -- and you didn't tell me in the pre-
14 appraisal that you were having problems with any
15 of my job responsibilities, you know, to drop it.

16 And Ms. Butler's response was, well, you
17 know, she wasn't going to change it, but you can
18 do an attachment. And -- but I didn't sign it.

19 And I told Ms. Butler I wanted to review it. And
20 so, I left her office and I was trying to regroup
21 from what had happened, and so I sat there for a
22 little while and then I started to review it,
23 because I had told Ms. Butler that I would get
24 back with her.

25 I don't think me and Ms. Butler had any

1 more discussion that day on it, because I think
2 she told me to do an attachment. And --

3 Q. I'm going to show you something here.

4 A. Sure, uh-huh.

5 Q. Ms. Blackledge I'm going to show you
6 what's marked as Exhibit No. 26.

7 (Exhibit No. 26 was marked for
8 identification.)

9 A. Uh-huh.

10 Q. 4038 is the Bate stamp. Is that the
11 attachment that you are describing?

12 A. Well, some of the pages are missing. I
13 see page 2, but that is to Ms. Butler's pre-
14 appraisal, by the way.

15 Q. So that's not it?

16 A. No.

17 Q. All right. Let's see if we can find
18 them. Ms. Blackledge, I'm going to show you what
19 is marked as Exhibit No. 27, and it's Bate
20 stamped 4004 and following through 4009.

21 (Exhibit No. 27 was marked for
22 identification.)

23 A. Okay.

24 Q. I ask you if you recognize that?

25 A. Okay. (Witness reviewing document.)

1 Yes, I can explain that one, but you don't have
2 all of that. Okay. Yes, I do recognize it.

3 Q. What is that?

4 A. That's the attachment to the performance
5 appraisal Ms. Butler did, and that's Exhibit No.
6 27.

7 Q. Okay. After you had had a discussion
8 with Ms. Butler, she asked you to file an
9 attachment to your performance appraisal?

10 A. Correct, because she wouldn't change the
11 score.

12 Q. And Exhibit No. 27 is the attachment that
13 you prepared and gave to her to attach to your
14 performance appraisal; is that right?

15 A. That was one of the attachments, yes.

16 Q. Were there more?

17 A. Yes.

18 Q. What else did you attach?

19 A. Okay. I did, after that I did the --
20 well, we're going back to Ms. London. I was
21 reviewing Ms. Butler's evaluation, and I, you
22 know, had enough that day, I said, "I got to go."
23 I was leaving out the door, and I saw Ms. London
24 driving in, and I went and got in my car. But for
25 some reason, I guess because I had been singled

1 Q. And that's not -- this letter --

2 A. No, no.

3 Q. -- right here (indicating)?

4 A. We'll come back to that, if we can,
5 please?

6 Q. Okay.

7 A. So on January 12th, Ms. Butler called me
8 in and said that you got to take 15 minutes. And
9 I said, "Well, why do I have to take 15 minutes?"
10 And she said, "Because you left early on January
11 the 4th." And I said, "I didn't leave early." I
12 said, "That's not the truth." And she said,
13 "Well, you need to submit a leave slip." And then
14 she said, "If you don't submit the leave slip,
15 well, then, Jerrylyn and I will submit the leave
16 slip." And so I said, "Well, you know, let me
17 think about it."

18 I had to think about that one again, you
19 know. So I came back and I wrote Ms. Butler a
20 memorandum saying that, you know, I didn't take
21 the 15 minutes and I wasn't going to voluntarily
22 take the 15 minutes because I didn't leave 15
23 minutes early. That was when she and Ms. London
24 submitted the leave slip saying that I left 15
25 minutes early.

1 During the process of me discussing it
2 with Ms. Butler, she told me, "Well, you need to
3 submit this leave slip right now." I said,
4 "Right now," I said, "are the time cards due
5 right now?" And then she thought about it and she
6 said, "No, they're not due right now." I said,
7 "Well, give me time to think about it," because
8 she was trying to force me to sign this leave
9 slip.

10 And then when I told her I didn't do it,
11 then she said, "Well, you know, Winifred, I, I
12 stayed late that day." I said okay. And she
13 said, "I went to the door and I saw your car
14 gone." I said okay. So after I had that
15 conversation with Ms. Butler and I told her I
16 wasn't going to take the 15 minutes, you could
17 take the 15 minutes if you needed to, I again
18 submitted some memorandums up to the Central
19 Office administrators. And this is what I told
20 them, I said, you know, now, both of them are
21 lying on me, both of them are in cahoots, because
22 Kendra Butler was my supervisor, and if on
23 January the 1st -- I mean the 4th she saw me not
24 there, why as the supervisor did she not write
25 the memo or did not the memorandum come from both

1 of them, but as my supervisor, and she saw me, why
2 didn't she write the memorandum and then why wait
3 from January the 4th to January the 12th to tell
4 me, Oh, I saw where you left?

5 Q. Now, I want to show you this, Exhibit No.
6 28, and it's 4001 and 4002 --

7 A. Right.

8 Q. -- January 9th, 2007, letter to Mr. Henry
9 Ervin from yourself?

10 A. Okay.

11 Q. And are you saying that as of January
12 29th Ms. London hadn't said that you left early?

13 A. I'm lost with that one.

14 Q. I'm sorry. As of the date that you wrote
15 that letter --

16 A. uh-huh.

17 Q. -- that is Exhibit No. 20 -- what is
18 that?

19 A. Number 28.

20 Q. -- Number 28?

21 A. Uh-huh.

22 Q. Did you believe that Ms. London said you
23 left early?

24 A. This exhibit has nothing to do with the
25 leaving 15 minutes early. This exhibit has to do

1 A. Which page are you on?

2 Q. The second page. Let me point it to you.

3 Right about here (indicating).

4 A. Uh-huh, uh-huh.

5 Q. You said, at that time you said, "I view
6 the lowering of my score on the performance
7 appraisal as retaliatory by Ms. Butler due to her
8 personal reasons".

9 A. Uh-huh.

10 Q. What did you mean by that, what personal
11 reasons?

12 A. Okay. Well, then, we're going into the
13 retaliation by Ms. Butler. I had one incident
14 where Ms. Butler told me that I couldn't make
15 compensatory time for working overtime on an
16 assignment that she was requiring me to work
17 overtime that was monitoring. And from June to,
18 I think it was September the 19th, trying to stay
19 out of trouble, what I did with Ms. Butler,
20 because I was having so much problems with
21 supervisors, I was giving Ms. Butler a schedule
22 of my whereabouts, what I was doing throughout
23 the day, where I was going, requesting her to
24 approve compensatory time or flex time.

25 Then on September the 19th, when I went

1 in to give Ms. Butler my schedule and requesting
2 compensatory time, she told me you can't make
3 compensatory time and I had to flex. So I said
4 why, you know, because, you know, everybody else,
5 you know, when they work overtime was making
6 compensatory time, and so I said, Could you put
7 that in writing, you know, that I can't make
8 compensatory time for working overtime, and she
9 later came back that day and said that I could
10 make compensatory time and flex time.

11 But what had happened, I knew what she
12 was trying to do, was saying that -- I didn't say
13 it, but I wrote again to the Central Office
14 administrators saying that I was told by Ms.
15 Butler -- Ms. Butler you told me verbally that I
16 could not make compensatory time. Well, where
17 I'm coming from with this is, I think after Ms.
18 Butler told me this, it was discussions in the
19 office about Ms. Butler making compensatory time
20 among staff, among several of the staff, and I
21 was one that commented about her making weekly
22 compensatory time, and she had been doing it for
23 about three years.

24 And so, I don't -- I suspect highly --
25 and that last discussion I had with staff was a

1 week prior to Ms. Butler telling me that I
2 couldn't make compensatory time, because all the
3 staff was talking about it. And so -- and she
4 told me I couldn't make compensatory time, and
5 she kind of stopped making it herself, and then
6 she kind of started back making it. So I assume
7 that she, she got mad when I told the staff, you
8 know, I dare her to tell me not to make
9 compensatory time when she was requiring me to
10 work overtime when she's sitting there at her
11 desk making compensatory time on a weekly basis.
12 And I think she probably got kind of upset about
13 that.

14 Q. Okay. And you say other staff were
15 standing around talking about this?

16 A. Other staff were aware, too. There was a
17 big discussion in our office.

18 Q. Who were involved in that discussion?

19 A. Donna Buckley, Shirley Patterson, Yolanda
20 Thomas.

21 Q. Is that the personal reason you were
22 referring to in your comment, saying that's why
23 Ms. Butler has retaliated against you?

24 A. Yeah.

25 Q. If you would look at page 4 of that same